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3:04-cv-00251-HSO-FKB

Johnson, et al v. Barbour, et al

CASE CLOSED on 01/04/2008

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U.S. District Court

Southern District of Mississippi

Notice of Electronic Filing

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Docket Text:

JOINT STIPULATED ORDER to Modify [917] Rebuilding Order. Signed by District Judge Halil S. Ozerden on April 25, 2023. (ENW)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLIVIA Y., et al)	
)	
Plaintiffs)	
)	
v.)	CIVIL ACTION NO. 3:04-cv-251-HSO-FKB
)	
TATE REEVES, as Governor of the)	
State of Mississippi, et al.)	
)	
Defendants)	

JOINT STIPULATED ORDER TO MODIFY REBUILDING ORDER

This matter is before the Court on the parties' *ore tenus* Motion to Modify the Joint Stipulated Order for Extension of a Rebuilding Period ("Rebuilding Order"). Having reviewed the matter and the agreement of the parties as evidenced by their signatures below, the Court finds that the Motion is well taken and should be granted.

1. The Court entered the 2nd Modified Mississippi Settlement Agreement and Reform Plan ("2nd MSA") [Dkt. No. 712] on December 19, 2016, and the 2nd MSA became effective on January 1, 2018. The Court entered the Rebuilding Order [Dkt. No. 917] on June 24, 2021.

2. The Court is advised that the parties have agreed to a suspension of reporting, monitoring, and enforcement under the 2nd MSA to June 30, 2023. The Court is further advised that the parties will meet on May 30, 2023 (and May 31, 2023, if necessary) to further negotiate and to finalize the terms of an extension of the Rebuilding Period.

3. The Court is further advised that the parties have, accordingly, agreed to modify Section 8 of the Rebuilding Order to the following:

8. Enforcement Mechanisms

a. Plaintiffs shall not invoke the provisions of Section 11.2 of the 2nd MSA for any

failure of Defendants to achieve the standards stated above before July 1, 2023. If Plaintiffs invoke these provisions at a later date, the parties will have thirty days to renew their pending motions and/or file new motions, the opposing party will have thirty days to respond, and the parties will jointly request an expedited hearing date.

- b. The Monitor shall convene the parties periodically during the Rebuilding Period including on May 30, 2023 (and May 31, 2023, if necessary).
- c. All reporting, monitoring, and enforcement under the 2nd MSA will resume on July 1, 2023. The parties may agree at their next conference to suspend enforcement of the 2nd MSA for a longer period.

IT IS THEREFORE, ORDERED AND ADJUDGED, that the Court grants the parties'

Motion to Modify the Rebuilding Order as set forth above.

SO ORDERED, this the 25th day of April, 2023.

/s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

AGREED TO AND APPROVED FOR ENTRY BY:

FOR THE PLAINTIFFS:

/s/ Marcia Lowry

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